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5 IN THE UNITED STATES DISTRICT COURT  
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7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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9 KENNETH BARKER,  
10 Plaintiff,

No. C 16-05647 WHA

11 v.

12 KENNETH I. CHENAULT, Chairman  
13 and Chief Executive Officer, and  
14 AMERICAN EXPRESS COMPANY,

**ORDER RE PLAINTIFF'S  
REQUEST TO  
REOPEN MEDIATION**

15 Defendants.  
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17 Plaintiff Kenneth Barker seeks an order reopening mediation, contending that the prior  
18 mediation was an “exercise founded in idiocy” because he had not yet received responses to  
19 interrogatories, which responses were later ordered (Dkt. No. 53 at 1).

20 Plaintiff’s request is premature. Defendant American Express Company has moved to  
21 substitute a different company as the defendant, which motion remains pending. Additionally,  
22 an order invited defendants to bring an early summary judgment motion, which is due in several  
23 weeks. These motions may dispose of the case entirely, or at least as to one of our current  
24 defendants. Accordingly, plaintiff’s request to reopen mediation is **DENIED**. This is without  
25 prejudice to a stipulated request to reopen mediation brought by all parties or a renewed request  
26 after the foregoing motions have been resolved.

27 **IT IS SO ORDERED.**

28 Dated: May 16, 2017.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE